

Report / Royal Commission on Civil Liability and Compensation for Personal Injury.

Contributors

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1395 The Association of Parents of Vaccine Damaged Children considers that, since vaccination is recommended by the state, the state ought to compensate where vaccination causes injury. It claims that in the past the state made no mention of risks attendant on whooping cough vaccination. It argues that all handicapped children are deserving of assistance, but that vaccine damaged children have a prior claim to compensation because they have been placed at risk and injured in the national interest. In 1975, the Association appealed to the European Commission of Human Rights for aid in securing compensation, which, it contends, should be retrospective.

1396 Other witnesses also advanced arguments for compensating all vaccine damaged children. These witnesses included the British Medical Association; the Royal College of Physicians and Surgeons of Glasgow; the Royal College of Surgeons, Edinburgh; the Association of the British Pharmaceutical Industry; and the British Insurance Association. The Standing Medical Advisory Committee of DHSS told us that in its view there was a reasonable case for paying compensation where vaccination was proved as the cause of the damage.

1397 Nobody argued in the contrary sense.

1398 We concluded that there is a special case for paying compensation for vaccine damage where vaccination is recommended by a public authority and is undertaken to protect the community. We had reached this conclusion when we were asked by the Government for our views. Our Chairman explained that we had concluded that some kind of financial assistance should be made available for very serious injury resulting from vaccination recommended by a public health authority, but that we were unable to produce an interim report as we thought it essential to look at the problem of vaccine damage in the light of our remit as a whole.

1399 On 14 June 1977 the Secretary of State for Social Services (Mr Ennals) said that, in the light of the conclusion which the Royal Commission had reached, the Government had decided to accept in principle that there should be a scheme of payments for the benefit of those who were seriously damaged as a result of vaccination, and that it should apply to existing, as well as to new, cases.

Overseas systems

1400 Before deciding what form of compensation to recommend, we looked at practice overseas. Specific compensation for vaccine damage is still the exception, but four European countries have provided for such compensation.

1401 In France, vaccination is compulsory for smallpox, diphtheria, tetanus, poliomyelitis and tuberculosis. The vaccines most frequently involved are those for smallpox and, to a lesser degree, tuberculosis. The main sufferers from vaccine damage are children. State compensation, which is available both to the victim and to the parents, is assessed by a tribunal and covers established pecuniary and non-pecuniary loss and provision for future support, taking